

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ROME PRIORITY

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EO 11652: NA

TAGS: PFOR

SUBJECT: SERVICE OF AMBASSADOR ON EXECUTIVE BOARD OF
CARNEGIE FOUNDATION'S HERO FUND

REF: ROME 5635

1. REFTEL REQUESTED OPINION FROM DEPARTMENT CONCERNING
EXISTENCE ANY LEGAL IMPEDIMENTS TO AMBASSADOR'S SERVICE
ON EXECUTIVE BOARD OF CARNEGIE FOUNDATION'S HERO FUND.
DEPARTMENT HAS ATTEMPTED OBTAIN FURTHER INFORMATION ON
NATURE AND OPERATIONS OF BOARD, BUT WITHOUT SUCCESS.

2. WITHOUT FURTHER DETAILS CONCERNING AMBASSADOR'S ROLE
ON BOARD AND ITS ACTUAL FUNCTIONS, DEPARTMENT UNABLE
APPROVE ACCEPTANCE THIS POSITION. IN THIS CONNECTION
DEPARTMENT WISHES TO DRAW EMBASSY'S ATTENTION TO LEGAL
CONSIDERATIONS PERTINENT TO CASES OF THIS NATURE,

(A) ARTICLE 1, SECTION 9, CLAUSE 8 OF THE U.S.
CONSTITUTION, PROVIDING THAT NO PERSON HOLDING ANY OFFICE
OF PROFIT OR TRUST UNDER THE UNITED STATES SHALL, WITHOUT
THE CONSENT OF CONGRESS, ACCEPT ANY PRESENT, EMOLUMENT
OR TITLE, OF ANY KIND WHATEVER, FROM ANY KING, PRINCE OR
FOREIGN STATE; (B) THE PROVISIONS CONTAINED IN 22 CFR
PART 10, RESPECTING EMPLOYEE RESPONSIBILITIES AND CONDUCT.
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3. REGARDING CONSIDERATION (A), DEPARTMENT TAKES POSITION THAT USG EMPLOYEES ARE NOT ALLOWED TO ACCEPT POSITIONS WITH FOREIGN GOVERNMENTS WHILE IN EMPLOY USG. IF CARNEGIE BOARD IS PRIVATE ORGANIZATION, SEPARATE AND DISTINCT FROM ITALIAN OR OTHER FOREIGN GOVERNMENT, THEN THIS PARTICULAR RESTRICTION IS INAPPLICABLE.

4. WITH RESPECT TO CFR PROVISIONS CITED (ALSO FOUND IN 3 FAM 620 ET SEQ.), DEPARTMENT INTERESTED IN LEARNING WHETHER ACCEPTANCE POSITION WILL VIOLATE ANY OF THE PROSCRIPTIONS CONTAINED IN THESE REGULATIONS. IN PARTICULAR EMBASSY SHOULD STUDY SECTION 10.735-202 (GIFTS, ENTERTAINMENT AND FAVORS), SECTION 10.735.203 (GIFTS FROM FOREIGN GOVERNMENTS) AND SECTION 10.735.204) OUTSIDE EMPLOYMENT AND OTHER ACTIVITY).

5. AFTER EMBASSY HAS TRANSMITTED NECESSARY DETAILS CONCERNING NATURE OF BOARD AND ACTUAL DUTIES OF AMBASSADOR THEREON, E.G., WHETHER THERE WILL BE RECEIPT OF COMPENSATION OR OTHER BENEFITS AS A RESULT OF THIS SERVICE, DEPARTMENT WILL BE IN BETTER POSITION DETERMINE WHETHER THIS PARTICULAR ACTIVITY IS IN KEEPING WITH EXISTING REGULATIONS ON STANDARDS OF CONDUCT. ROGERS

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